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Biotechnology Intellectual Property
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USPTO CUSTOMER NO. 23601

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TO: Examiner L. Helms
Group 1642

Fax No.: 703-308-4242

FROM: John T. Murphy
Reg. No.: 50,583

OUR DOCKET NO.: P-IX 2947

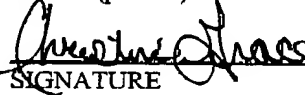
REFERENCE: Serial No.: 09/203,768
Filed: December 2, 1998
Entitled: TUMOR SPECIFIC HUMAN MONOCLONAL ANTIBODIES AND METHODS OF USE

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that these 23 pages are
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August 2, 2002

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DATE: August 2, 2002

NO. OF PAGES (Including this page): 23

SPECIAL INSTRUCTIONS:

Transmitted herewith are the following **OFFICIAL** documents:

- 1) Transmittal Letter with duplicate (4 pages)
- 2) Communication Enclosing Copy of Previously Filed Documents And Appointment of Associate Attorney (2 pages)
- 3) Copies of the following documents as originally filed by first class mail on April 5, 2002:
 - A. Response to the Advisory Action mailed January 25, 2002, and the final Office Action mailed May 3, 2002, with attached Appendix A (5 pages)
 - B. Petition for Extension of Time (1 page)
 - C. Request for Continued Examination (2 pages)
 - D. Transmittal Form PTO-1083 (2 pages)
 - E. Check no. 028425 in the amount of \$830.00 (1 page)
 - F. Postcard (1 page)
- 4) Copies of the following documents as originally filed by first class mail on April 10, 2002:
 - A. Appointment of Associate Attorney with First Class Mail Certification (2 pages)
 - B. Transmittal Letter (1 page)
 - C. Postcard (1 page)

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TRANSMITTAL LETTER		DOCKET NUMBER: P-IX 2947	
SERIAL NO: 09/203,768	FILING DATE: December 2, 1998	EXAMINER: L. Helms	GROUP ART UNIT: 1642
INVENTION: TUMOR SPECIFIC HUMAN MONOCLONAL ANTIBODIES AND METHODS OF USE			

TO COMMISSIONER FOR PATENTS

CERTIFICATE OF FACSIMILE TRANSMISSION

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Christine Grace
NAME (printed)

Christine Grace August 2, 2002
SIGNATURE DATE

Transmitted herewith are the following documents in connection
with the above-identified application:

1. Communication Enclosing Copy of Previously Filed Documents
2. Copy of documents originally filed with the United States Patent and Trademark Office by first class mail on April 5, 2002, including:
 - A. Response to the Advisory Action mailed January 25, 2002, and the final Office Action mailed May 3, 2002, with attached Appendix A;
 - B. Petition for Extension of Time
 - C. Request for Continued Examination;
 - D. Transmittal form PTO-1083;
 - E. Check No. 028425 in the amount of \$830.00; and
 - F. Submitted postcard
3. Copy of documents originally filed with the United States Patent and Trademark Office by first class mail on April 10, 2002, including:
 - A. Appointment of Associate Attorney;
 - B. Transmittal Letter; and
 - C. Submitted postcard

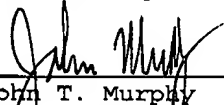
 Please charge my Deposit Account No. 03-0370 the amount of
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any fees associated with this communication or credit any
overpayment to Deposit Account No. 03-0370. A duplicate
copy of this sheet is enclosed.

. Inventors: Watkins and Huse
Serial No.: 09/203,768
Filed: December 2, 1998
Page 2

X The Commissioner is hereby authorized to charge to Deposit Account No. 03-0370 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



John T. Murphy
Registration No. 50,583
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122
858-535-9001
USPTO CUSTOMER NO. 23601

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PATENT

Our Docket: P-IX 2947

25

JM

8/9/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Watkins and Huse)
Serial No: 09/203,768)
Filed: December 2, 1998)
For: TUMOR SPECIFIC HUMAN)
MONOCLONAL ANTIBODIES)
AND METHODS OF USE)

Examiner: L. Helms

Group Art Unit: 1642

CERTIFICATE OF FACSIMILE TRANSMISSION

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NAME (printed)

Commissioner for Patents
Washington, D.C. 20231

Christine Grace
SIGNATURE

August 2, 2002
DATE

COMMUNICATION ENCLOSING COPY OF PREVIOUSLY FILED DOCUMENTS

Pursuant to the "NOTE" included in the Office Action mailed June 20, 2002, applicants attach herewith complete and accurate copies of the documents that were originally filed with the United States Patent and Trademark Office (USPTO) by first class mail on April 5, 2002 and April 10, 2002, in connection with the above-identified application. Applicants respectfully request that the USPTO add the original mailroom date to the attached copies and that the USPTO use the attached copies as the permanent USPTO record in place of the copies made by the USPTO of the filings submitted on April 5, 2002, and April 10, 2002, in connection with the above-identified application.

In regard to the filing submitted to the United States Patent and Trademark Office by first class mail on April 5, 2002, the attached documents include copies of the response to Advisory

Inventors: Watkins and Huse
Serial No.: 09/203,768
Filed: December 2, 1998
Page 2

Action mailed January 25, 2002, and the final Office Action mailed May 3, 2001, with attached Appendix A; Petition for Extension of Time; Request for Continued Examination; Transmittal form PTO-1083; check no. 028425 in the amount of \$830.00; and the submitted postcard.

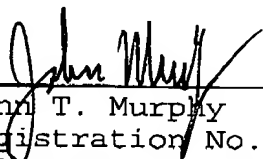
In regard to the filing submitted to the United States Patent and Trademark Office by first class mail on April 10, 2002, the attached documents include copies of the Appointment of Associate Attorney; Transmittal Letter; and the submitted postcard.

No Fee is deemed necessary in connection with the filing of this Communication. However if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-0370.

Should there be any questions the Examiner is invited to call the undersigned agent or Cathryn Campbell.

Respectfully submitted,

August 2, 2002
Date



John T. Murphy
Registration No. 50,583
Telephone No. (858) 535-9001
Facsimile No. (858) 535-8949

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San Diego, California 92122
USPTO CUSTOMER NO. 23601

Avery Lar Index & Postcard #5389

Please acknowledge receipt of the accompanying:

- ☒ Response to Advisory Action mailed January 25, 2002 and final Office Action mailed May 3, 2001, with attached Appendix A
- ☒ Other Request for Continued Examination (in duplicate)
- ☒ Transmittal form PTO-1083 (in duplicate)
- ☒ Petition for 3 month Extension of Time (in duplicate)
- Applicant's Name Watkins and Huse
- Serial Number 09/203,768 Filing Date 12/02/1998
- Examiner's Name L. Helms Group Art Unit 1642
- Title TUMOR SPECIFIC HUMAN MONOCLONAL ANTIBODIES AND METHODS OF USE
- ☒ Fee \$ 830.00 Enclosed ☒ Check No.: 028425
- ☒ Certificate of Mailing - 1st Class Date Mailed: 04/05/2002
- Our Docket No.: P-IX 2947 Date Due: 04/05/2002
- Client APPLIED MOLECULAR EVOLUTION, INC.
- Attorney/Secretary DAG/JTM/kcc

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FORM UA Amend/Resp

AMENDMENT TRANSMITTAL LETTER			DOCKET NUMBER: P-IX 2947	
SERIAL NO: 09/203,768	FILING DATE: December 2, 1998	EXAMINER: L. Helms	GROUP ART UNIT: 1642	
INVENTION: TUMOR SPECIFIC HUMAN MONOCLONAL ANTIBODIES AND METHODS OF USE				

TO COMMISSIONER FOR PATENTS
ATTN: Box RCE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Attention Box RCE, Washington, D.C., 20231 on April 5, 2002.

By: John T. Murphy, Reg. No. 50,583

April 5, 2002
Date of Signature

Transmitted herewith is a Request for Continued Examination in response to the Office Action mailed January 25, 2002, and the final Office Action mailed May 3, 2001, (in duplicate) in the above-identified application.

X Small Entity status of this application has been established under 37 CFR 1.27.

X Petition for Extension of Time is enclosed (in duplicate).

X Response to Advisory Action mailed January 25, 2002, and the final Office Action mailed May 3, 2001, with attached Appendix A is enclosed.

X No additional claims fee is required.

CLAIMS AS AMENDED

	NUMBER AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		NUMBER OF EXTRA CLAIMS PRESENTED		RATE			FEE	
							SMALL ENTITY	OTHER ENTITY		SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	48	-	48	-	0	x	\$9	\$18	=	\$0	\$
INDEPENDENT CLAIMS	14	-	14	-	0	x	\$42	\$84	=	\$0	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			____ YES		____ X NO		\$140	\$280	=	\$0	\$
							TOTAL ADDITIONAL FEE			\$0	\$

* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

*** If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 0, write "0" in the space.

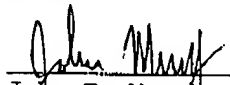
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Inventors: Watkins and Huse
Serial No.: 09/203,768
Filed: December 2, 1998
Page 2

- ☒ A check in the amount of \$830.00 is enclosed, \$370.00 of which covers the request for continued examination fee under 37 C.F.R. § 1.17(e) and \$460.00 of which covers the fee for a three-month extension of time.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ The Commissioner is hereby authorized to charge to Deposit Account No. 03-0370 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

April 5, 2002
Date


Joan T. Murphy
Registration No. 50,583
CAMPBELL & FLORES LLP
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858-535-9001
USPTO CUSTOMER NO. 23601

CAMPBELL & FLORES LLP

028425

Commissioner for Patents
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CAMPBELL & FLORES LLP

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(858) 535-9001

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028425

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DATE 4/5/02 AMOUNT 830.00

TO THE
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OF

Commissioner for Patents


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⑈028425⑈ ⑆122235821⑆165600453212⑈

CAMPBELL & FLORES LLP

028425

PATENT

Our Docket: P-IX 2947

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Watkins and Huse
Serial No: 09/203,768
Filed: December 2, 1998
For: TUMOR SPECIFIC HUMAN
MONOCLONAL ANTIBODIES
AND METHODS OF USE

ATTN: Box RCE
Commissioner for Patents
Washington, D.C. 20231

Group Art Unit: 1642

Examiner: L. Helms

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By

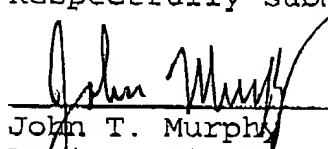

John T. Murphy, Reg. No. 50,583April 5, 2002
Date of SignaturePETITION FOR EXTENSION OF TIME

Applicants hereby petition for a three-month extension
of time to respond to the Official Actions mailed on
January 25, 2002 and May 3, 2001.

A check in the amount of \$830.00 is enclosed, \$370.00
of which covers the request for continued examination fee under
37 C.F.R. § 1.17(e) and \$460.00 of which covers the fee for the
three-month extension of time.

The Commissioner is hereby authorized to charge payment
of any additional fees associated with the filing submitted
herewith or credit any overpayment to Deposit Account No.
03-0370. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: April 5, 2002
John T. Murphy
Registration No. 50,583
Telephone: (858) 535-9001
Facsimile: (858) 535-8949

CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122
USPTO CUSTOMER NO. 23601

PATENT

Our Docket: P-IX 2947

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re application of
Watkins and Huse

Serial No.: 09/203,768

Filed: December 2, 1998

For: TUMOR SPECIFIC HUMAN
MONOCLONAL ANTIBODIES
AND METHODS OF USE

Group Art Unit: 1642

Examiner: L. Helms

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By

John T. Murphy, Reg. No. 50,583

April 5, 2002
Date of Signature

Box RCE

Commissioner for Patents
Washington, D.C. 20231REQUEST FOR CONTINUED EXAMINATION

This is a request for continued examination of the
above-identified application. 37 C.F.R. § 1.114.

At least one of the following submissions is being
filed herewith:

- ☒ Amendment or Response
☐ Declaration or Affidavit
☐ Information Disclosure Statement

A check in the amount of \$830.00 is being filed
herewith, \$370.00 of which covers the request for continued
examination fee under 37 C.F.R. § 1.17(e) and \$460.00 of which
covers the fee for a three-month extension of time.

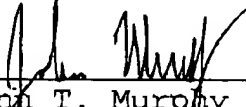
Inventors: Watkins and Huse
Serial No.: 09/203,768
Filed: December 2, 1998
Page 2

The Director is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 03-0370 for any of the following fees: additional filing fees under 37 C.F.R. § 1.16, patent application processing fees under 37 C.F.R. § 1.17, or any fees under 37 C.F.R. § 1.17 that may be required under 37 C.F.R. § 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed for this purpose.

Accordingly, the Applicants respectfully request withdrawal of the finality of the outstanding office action, and consideration of the submission filed herewith. The Examiner is invited to call the undersigned agent or Cathryn Campbell with any questions.

Respectfully submitted,

April 5, 2002
Date



John T. Murphy
Registration No. 50,583
Telephone No. (858) 535-9001
Facsimile No. (858) 535-8949

CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
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San Diego, California 92122
USPTO CUSTOMER NO. 23601

PATENT

Our Docket: P-IX 2947

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re application of
Watkins and Huse

Serial No.: 09/203,768

Filed: December 2, 1998

For: TUMOR SPECIFIC HUMAN
MONOCLONAL ANTIBODIES
AND METHODS OF USE

Group Art Unit: 1642

Examiner: L. Helms

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By

John T. Murphy, Reg. No. 50,583

April 5, 2002
Date of Signature

Box RCE

Commissioner for Patents
Washington, D.C. 20231RESPONSE TO OFFICE ACTION

Responsive to the Advisory Action mailed
January 25, 2002, and the final Office Action mailed May 3, 2001,
entry of the following amendments and remarks is respectfully
requested.

AMENDMENTS

1. (Thrice amended) A human monoclonal antibody or
functional fragment thereof, comprising the amino acid sequence
of SEQ ID NO:2, or having a conservative substitution of an amino
acid thereof, and the amino acid sequence of SEQ ID NO:4, or
having a conservative substitution of an amino acid thereof,
wherein said antibody or functional fragment thereof binds a
neoplastic cell or antigen thereof.

Inventors: Watkins and Huse
Serial No.: 09/203,768
Filed: December 2, 1998
Page 2

6. (Thrice amended) A human monoclonal antibody or functional fragment thereof, comprising a heavy chain variable region having the three CDR sequences of the amino acid sequence of SEQ ID NO:2, or having a conservative substitution of an amino acid thereof, and a light chain variable region having the three CDR sequences of the amino acid sequence of SEQ ID NO:4, or having a conservative substitution of an amino acid thereof, wherein said antibody or functional fragment thereof binds a neoplastic cell or antigen thereof.

REMARKS

Claims 1-6, 47 and 48 are pending in the above-identified application. By the present communication claims 1 and 6 have been amended. Support for the amendments can be found in the specification including, for example, on page 8, lines 1-14; page 16, lines 10-21 and page 22, line 22, through page 23, line 7. Accordingly, the amendments do not introduce new matter. Therefore, entry of the amendments is respectfully requested. A marked-up copy of the amended claims is attached hereto as Appendix A.

Rejections under 35 U.S.C. § 112, first paragraph

Applicants respectfully traverse the rejection of claims 1-6, 47 and 48, under 35 U.S.C. § 112, first paragraph, allegedly because the specification is not enabling for a VH or VL alone or a single CDR from SEQ ID NO:2 or 4. Applicants maintain, for the reasons of record, that the full scope of the

Inventors: Watkins and Huse
Serial No.: 09/203,768
Filed: December 2, 1998
Page 3

claimed invention is enabled because functional fragments of antibodies, such as single CDRs and VH domains, were known in the art and the specification provides guidance commensurate with that which was known in the art to allow one skilled in the art to make and use the claimed functional fragments. Nevertheless, in order to further prosecution of this application, claims 1 and 6 have been amended. The claims as amended, are directed to a human monoclonal antibody, or fragment thereof, that contains all six of the CDR sequences contained in SEQ ID NO:2 and SEQ ID NO:4. Therefore, the rejection has been rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 112, second paragraph

Applicants respectfully traverse the rejection of claims 1-6, 47 and 48, under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for reciting the term "substantially." Applicants maintain, for the reasons of record, that the claims are sufficiently clear in view of the teaching and guidance provided in the specification. Nevertheless, in order to further prosecution of this application, claims 1 and 6 have been amended. The claims, as amended, no longer recite the term "substantially." Therefore, the rejection has been rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

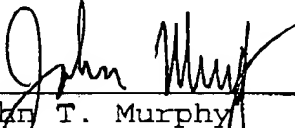
Inventors: Watkins and Huse
Serial No.: 09/203,768
Filed: December 2, 1998
Page 4

CONCLUSION

In light of the amendments and remarks herein,
Applicants submit that the claims are now in condition for
allowance and respectfully request a notice to this effect.
Should the Examiner have any questions, he is invited to call the
undersigned agent or Cathryn Campbell.

Respectfully submitted,

April 5, 2002
Date



John T. Murphy
Registration No. 50,583
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Inventors: Watkins and Huse
Serial No.: 09/203,768
Filed: December 2, 1998

APPENDIX A

A marked-up version of claims showing amendments follows.

1. (Thrice amended) A human monoclonal antibody or functional fragment thereof, comprising [at least one Complementarity Determining Region (CDR) having substantially] the amino acid sequence of [a CDR of] SEQ ID NO:2, or having a conservative substitution of an amino acid thereof, and the amino acid sequence of SEQ ID NO:4, or having a conservative substitution of an amino acid thereof, wherein said antibody or functional fragment thereof binds a neoplastic cell or antigen thereof.

6. (Thrice amended) A human monoclonal antibody or functional fragment thereof [A CDR or functional fragment thereof], comprising a heavy chain variable region having the three CDR sequences of [substantially] the amino acid sequence [of a CDR] of SEQ ID NO:2, or having a conservative substitution of an amino acid thereof, and a light chain variable region having the three CDR sequences of the amino acid sequence of SEQ ID NO:4, or having a conservative substitution of an amino acid thereof, wherein said antibody [CDR] or functional fragment thereof binds a neoplastic cell or antigen thereof.

 Avery La Index & Postcard #5389

Please acknowledge receipt of the accompanying:

- ☐ Response
- ☒ Other Appointment of Associate Attorney
- ☒ Transmittal (in duplicate)
- ☐ Petition for month Extension of Time (in duplicate)
- Applicant's Name Watkins and Huse
- Serial Number 09/203,768 Filing Date 12/02/1998
- Examiner's Name L. Helms Group Art Unit 1642
- Title TUMOR SPECIFIC HUMAN MONOCLONAL ANTIBODIES AND
METHODS OF USE
- ☐ Fee \$ Enclosed ☐ Check No.:
- ☒ Certificate of Mailing - 1st Class Date Mailed: 04/10/2002
- Our Docket No.: R-IX 2947 Date Due:
- Client APPLIED MOLECULAR EVOLUTION, INC.
- Attorney/Secretary DAG/JTM/kcc

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FORM UA Amend/Resp

TRANSMITTAL LETTER			DOCKET NUMBER: P-IX 2947
SERIAL NO: 09/203,768	FILING DATE: December 2, 1998	EXAMINER: L. Helms	GROUP ART UNIT: 1642
INVENTION: TUMOR SPECIFIC HUMAN MONOCLONAL ANTIBODIES AND METHODS OF USE			

TO COMMISSIONER FOR PATENTS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C., 20231 on April 10, 2002.

By: John T. Murphy
John T. Murphy, Reg. No. 50,583

April 10, 2002
Date of Signature

Transmitted herewith are the following documents in connection with the above-identified application:

1. Appointment of Associate Attorney

— Please charge my Deposit Account No. 03-0370 the amount of \$_____. A duplicate copy of this sheet is enclosed.

X The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

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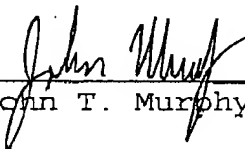
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John T. Murphy
John T. Murphy
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USPTO CUSTOMER NO. 23601

Appointment of Associate Attorney
Attorney Docket No.: P-IX 2947
Serial No.: 09/203,768

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By


John T. Murphy, Reg. No. 50,583

April 10, 2002

Date of Signature

Our Docket: P-IX 2947

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4370 La Jolla Village Drive
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